

The Fight to Defend Canadian Railroad Workers Enters Critical Period

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Witnesses, investigators, and experts on the legal and environmental lessons of the 2013 Lac-Mégantic oil train wreck gathered for a day long conference in Ottawa, Ontario on December 8th, 2016 to draw attention to and remind the public of the wreck's underlying causes and consequences. The July 6th 2013 wreck shocked the world with the destructive power unleashed by the runaway Bakken oil train. It killed 47 people, and destroyed over 100 homes and businesses. It made the town name a household word, especially among railroaders.

The conference included four panels, representing: 1) witnesses and victims; 2) experts on the current legal system process; 3) experts on the regulatory issues involved present and future; and 4) experts on the future of fuel and energy transportation. This was the first time a large number of citizens from Lac-Mégantic had an opportunity to speak out in English speaking Canada. The Canadian Cable Public Affairs Channel (CPAC) covered the conference for broad distribution. The publicity around the conference was one of the factors which led to a direct meeting between the panel members from Lac-Mégantic and the Prime Minister's Office, leading to the broadest support yet for a rail bypass around the town that the citizens there have demanded. It is yet another sign that even the government has a tacit understanding that railroad policies - not individuals - are the primary cause of the dangers.

As each panel presented its findings, it became clear that at the core of all of the issues is that the rail carrier Montreal, Maine & Atlantic (MM&A), defended to this day by the Railway Association of Canada, created such a dangerous environment that railroad safety was fatally compromised. Brian Stevens, National Director for Rail, of UNIFOR Canada (the country's largest private sector union) spoke forcefully and from experience, showing that the industry and the government regulators cooperate to block known paths to safe operations. Several of the panelists, along with a number of those in the audience, spoke in defense of scapegoated rail workers Tom Harding and Richard Labrie, making the connection between ending that scapegoating if we hope to make for a safer railroad.

Last fall, nearly 3,000 people across North America signed petitions calling upon the Canadian and Quebec governments to drop the charges against the workers as the only path to real accountability for the devastating wreck. The two are charged with 47 counts of criminal negligence resulting in death. If convicted they could face life in prison. But it has become clear, based upon investigations, that their actions were not the cause of the disaster.

It has been 2 ½ years since the charges were filed against the two amidst lurid headlines with pictures of SWAT Team cops holding them in handcuffs. Yet the criminal trial has yet to begin. The Crown is now faced with a dilemma. The Canadian Supreme Court has found that too many criminal defendants are denied their rights to trial for long periods of time. It held that under the Canadian Charter of Rights and Freedoms, the "reasonable delay" limit to wait should not exceed 30 months.

The Crown Prosecutors plan for a big show trial, designed to inflame the public, beginning in September of 2017 (40 months after being charged). This will certainly exceed the limits set by the Court. But the Harding/Labrie defense team has announced that they will not press for dismissal based on the time limits, expressing their confidence that if they are given a fair trial that the two men will be vindicated. But failing to hold



Harding and Labrie criminally responsible brings another dilemma. The only corporate entity charged for the disaster is the bankrupt and assetless MM&A. For all intents and purposes, it doesn't exist. Unless the two rail workers are scapegoated, no one would be held criminally liable. That result is likely politically untenable. A procedural hearing is set for January 26-27.

There is the very real danger that Harding and Labrie might be convicted, railroaded off to prison, and that the books will be closed on rail carrier liability. Unionists who want strong organizations that can protect and defend them on the job would suffer a serious setback, as would environmentalists and community activists who want to see stricter and safer regulations of railroads. Rail safety in general will suffer, and a green light will be given to the energy and rail industries to simply blame the workers in future workplace catastrophes.

The January procedural hearing will determine the next phase of the struggle. Citizens from Lac-Mégantic expect to be present to voice their concerns. It is critical that those who understand the stakes keep up the struggle as this hearing could result in the initiation of the criminal trial soon thereafter. All railroaders, their families and supporters must be vigilant and ready to act. Please send solidarity messages for the Tom Harding and Richard Labrie defense to their union, USW 1976 / Section locale 1976, 2360 De Lasalle, Suite 202, Montreal, QC H1V 2L1. Email: info@1976usw.ca; copies to: Thomas Walsh, 165 Rue Wellington N. Suite 310, Sherbrooke, QC Canada J1H 5B9. Email: thomasp-walsh@hotmail.com. And if you have yet to do so, please sign the petition to drop the charges at hardingdefense.org/sign-the-petition/